

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CARLOS ROMAN AND ESTHER ROMAN,

Plaintiffs,

-against-

THE CITY OF NEW YORK, POLICE COMMISSIONER
RAYMOND KELLY, POLICE OFFICER MICHAEL
INTERDONATI, Shield #7722, POLICE OFFICER
RENZO SILVA, Shield #21635, SERGEANT JOSE
ORTIZ, Shield #2871,

Defendants.
-----X

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/14/10

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

09 CV 7061 (RMB)(THK)

WHEREAS, plaintiffs commenced this action by filing a complaint, on or about August 10, 2009, alleging violations of their state and federal rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff, Carlos Roman, the sum of **Thirty Thousand Dollars (\$30,000.00)** in full satisfaction of all claims, inclusive of claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum,

plaintiff agrees to the dismissal of all claims against the defendants, City of New York, Police Commissioner Raymond Kelly, Police Officer Michael Interdonati, Police Officer Renzo Silva, Sergeant Jose Ortiz, and to release the defendants and any present or former officials, employees, representatives and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff Esther Roman agrees to the dismissal with prejudice, and without costs, expenses, or attorneys' fees to either party, of all claims against defendants City of New York, Police Commissioner Raymond Kelly, Police Officer Michael Interdonati, Police Officer Renzo Silva, Sergeant Jose Ortiz.

4. Plaintiff Carlos Roman shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of Status of Liens.

5. Nothing contained herein shall be deemed to be an admission by the City of New York that it has in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject


matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York

3/31, 2010

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By:



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By:



Meghan A. Cavalieri (MC 6758)
Assistant Corporation Counsel

SO ORDERED:



U.S.D.J.
6/14/10